

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
BALTIMORE DIVISION**

In re: Christian T. Tubene

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Case No. 24-18611 NVA

Debtor

\*

Chapter 13

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**DEBTOR'S OBJECTION TO PROOF OF CLAIM NUMBER 10-3**  
**AS FILED BY FOUNDATION FINANCE COMPANY, LLC;**  
**JEFFERSON CAPITAL SYSTEMS, LLC ASSIGNEE**

Debtor Christian T. Tubene Debtor”), by his undersigned counsel, objects to Proof of Claim #10-3 (“POC #10-3”) filed by Foundation Finance Company, LLC; Jefferson Capital Systems, LLC Assignee (“Claimant”) pursuant to 11 U.S.C. § 502, and in support states:

**NOTICE TO CLAIMANT**

**WITHIN THIRTY (30) DAYS OF THE DATE ON THE CERTIFICATE OF SERVICE OF THE OBJECTION, THE CLAIMANT MAY FILE AND SERVE A MEMORANDUM IN OPPOSITION, TOGETHER WITH ANY DOCUMENTS AND OTHER EVIDENCE THE CLAIMANT WISHES TO ATTACH IN SUPPORT OF ITS CLAIM, UNLESS THE CLAIMANT WISHES TO RELY SOLELY UPON THE PROOF OF CLAIM; AND AN INTERESTED PARTY MAY REQUEST A HEARING THAT WILL BE HELD AT THE COURT’S DISCRETION.**

1. On January 23, 2025, Claimant filed POC #10-3 asserting a secured claim for \$9,919.90. POC #10-3 states the debt was incurred for basement waterproofing. Attached to and incorporated into POC #10-3 is a UCC Financing Statement filed as a fixture filing. POC #10-3 does not contain any evidence demonstrating a lien secured by real property.

2. Upon installation, the basement waterproofing “passed from being ‘pure personalty’ to ‘pure realty.’” *In re Reese*, 194 B.R. 782, 793 (Bankr. Md. 1996). The water line was incorporated into the real property as ordinary building materials and completely lost chattel status. *Id.*

3. Alternatively, if the basement waterproofing is found to be a fixture retaining chattel status, the security agreement must be negated as the Court could not allow Claimant to remove

the fixture because such removal would commit waste upon the collateral of senior lienors and property of the estate.” *Id.*

4. Based on the foregoing, the debt asserted by Claimant in POC #10-3 should be allowed only as a general unsecured claim and disallowed as a secured claim.

WHEREFORE, Debtor Christian T. Tubene respectfully requests that this Honorable Court disallow Proof of Claim #10-3 as secured claim, allow the claim of \$9,919.90 as a general unsecured claim, and any such other and further relief deemed appropriate.

Date: March 3, 2025

Respectfully submitted,

/s/Jeffrey M Sirody  
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Counsel for Debtor

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 3, 2025, I reviewed the Court’s CM/ECF system and it reports that an electronic copy of the foregoing will be served electronically by the Court’s CM/ECF system on the following:

Rebecca Herr, Chapter 13 Trustee [efc@ch13md.com](mailto:efc@ch13md.com)  
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I HEREBY FURTHER CERTIFY that on March 3, 2025, a copy of the foregoing was mailed first-class, postage prepaid to:

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/s/Jeffrey M Sirody  
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